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SUMMARY RECORD OF THE 7th MEETING

Chairman: Mrs. FLORES (Uruguay)

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 146: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/48/33 and Corr.1, A/48/140-S/25597, A/48/205-S/25923, A/48/209-S/25937, A/48/379-S/26411, A/48/445-S/26501 and A/48/398)

1. Mr. LEONI (Brazil) said that the recently signed agreement between Israel and the Palestine Liberation Organization was a historic example of how traditional patterns of confrontation could be overcome, but on the other hand economic inequalities persisted and the resurgence of ethnic, religious and other disputes threatened the achievement of the fundamental goal of peace. The apparent contradiction between the disappearance of ideological rivalries and the continuation of areas of instability must prompt a re-evaluation of the United Nations and its Charter, which was the fundamental objective of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

2. According to the mandate set out in resolution 47/38, the Special Committee had been studying three principal issues: the maintenance of international peace and security, the peaceful settlement of disputes, and the strengthening of the role of the Organization. With regard to the maintenance of international peace and security, the Special Committee had thoroughly analysed a revised version of the paper submitted by the Russian Federation entitled "Draft declaration on the improvement of cooperation between the United Nations and regional organizations" (A/AC.182/L.72/Rev.1). Such cooperation was becoming increasingly important for the strengthening of international peace and security. A better definition of the responsibilities of the United Nations and of regional organizations would contribute to the effectiveness of the collective security system established in Chapter VIII of the Charter. Brazil's understanding was that the United Nations and the regional organizations should be mutually complementary on the basis of full respect for the mandates and fields of competence of each body. Coordination of the efforts of regional organizations with those of the United Nations would ensure the most effective response to a threat to international peace and security.

3. It was undeniable that the capacity of a regional organization to cope with specific situations served the maintenance of international peace and security. In the case of a disruption of democracy, for example, the Organization of American States (OAS) had its own mechanisms and methods of dispute settlement under articles 2 and 3 of its Charter. Those provisions demonstrated that regional arrangements could play a valuable role in an event internal to a State, a role not envisaged in the Charter of the United Nations.

4. The participation in the 1993 session of the Special Committee of the most senior officials of numerous regional organizations had been particularly useful: the Special Committee's work had been greatly enriched by the expertise and experience of the representatives of intergovernmental organizations. In that respect, and in view of the emergence of many regional conflicts in the new international situation, the Brazilian delegation wished to encourage the holding of meetings - on a regular basis or in times of crisis - between the Secretary-General of the United Nations and the heads of regional organizations.

(Mr. Leoni, Brazil)

Closer ties should also be established between officials at various levels of the United Nations and regional organizations.

5. In his report "An Agenda for Peace" the Secretary-General asked all regional organizations to consider what confidence-building measures might be applied in their regions and to inform the Organization about them. The Brazilian delegation also welcomed the second paper submitted by the Russian Federation entitled "New issues for consideration in the Special Committee", which could provide the basis for the choice of topics for the long-term programme of work of the Special Committee.

6. Another move with regard to the maintenance of international peace and security had been the submission by several States, including Brazil, of a revised working paper entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter" (A/AC.182/L.76/Rev.1). The issue had become more urgent in step with the increased recourse of the Security Council to Chapter VII of the Charter and the increasing economic interdependence of States. The international community should give serious consideration to the questions raised in the working paper, in particular the idea of sharing the costs of a collective security system, the principle of "mutual assistance", and the need to study specific techniques for providing assistance to States affected by the implementation of sanctions.

7. The establishment of procedures for implementation of Articles 49 and 50 of the Charter was a complex and time-consuming endeavour. A particular difficulty was the need to identify criteria for assessing the special economic problems confronting States as a result of the application by the Security Council of preventive or enforcement measures under Article 50 of the Charter. A mechanism might be devised for that purpose which could be financed mainly through special windows of credit in international financial institutions such as the World Bank. The resources would be used to provide direct financial assistance and to support technical cooperation projects.

8. On the question of the peaceful settlement of disputes, the Brazilian delegation paid a tribute to the initiative taken by Guatemala: the text proposed by Guatemala could lead to the establishment of model rules which might facilitate recourse to conciliation and therefore the achievement of the ultimate goal of universal peace.

9. With regard to the wider participation of the international community in the decision-making process of the United Nations, in particular of the Security Council, it should be noted that the rapidly changing international environment had indeed prompted the Security Council to speed up its process for taking decisions on increasingly complex issues, but the growth in the membership of the Organization was not properly reflected in the composition of the Council. As Brazil had already informed the Secretary-General, if the Council's composition was more representative and balanced, its actions would be more effective and the authority of its decisions enhanced. In 1945 the Security Council had had 11 members, representing more than 20 per cent of the membership of the Organization; today less than 9 per cent of the States Members of the Organization were members of the Council. The adoption by consensus of

(Mr. Leoni, Brazil)

resolution 47/62, which Brazil had co-sponsored, showed that the international community recognized that the time had come to reassess the composition of the Security Council in the light of the substantial increase in the membership of the United Nations and of the ever more active and important role which the Council was called upon to play.

10. Brazil's Minister for External Relations, Mr. Celso Amorim, had noted with satisfaction the virtual consensus on the need to update the composition of the Security Council. The reform of the Council must be achieved without aggravating further the balance between developed and developing countries in the decision-making process of the United Nations. The General Assembly, as the Organization's supreme democratic organ, must play a decisive role in that process.

11. Mr. VANHARA (Czech Republic) said that the Czech Republic, which had been admitted to membership in the United Nations following the division of Czechoslovakia, had been appointed by the President of the General Assembly in January 1993 to fill the vacant seat in the Special Committee on the Charter. It would like to continue to participate in the work of that body and thus honour the tradition bequeathed to it by the Czech and Slovak Federal Republic - a founding member of the United Nations.

12. Changes in the political map of the world and the increase in the membership of the Organization had transformed it into a truly universal institution whose authority was irreplaceable in international relations. The Czech Republic understood the calls for the adaptation of the United Nations to the challenges of the new era which had begun with the disappearance of bipolar politics. The international community should, however, be aware that abrupt adjustments might undermine the functioning of the mechanism as a whole. His Government believed that preference should be given to a long-term process of evolution which would combine the adoption of the relevant international legal instruments with indispensable administrative reform.

13. The general debate which had taken place within the Special Committee and which was reflected in the Committee's report (A/48/33) had demonstrated that some States considered that the time had come to undertake a profound revision of the Charter. The Czech Republic agreed that outdated provisions should be eliminated from the Charter, for example Article 53, paragraph 2, which contained the definition of an "enemy State". However, instead of revising the Charter as a whole, it might be preferable to redefine some of the basic principles on which it was built, for example the principle of equal rights and self-determination of peoples. In various declarations, the General Assembly had expressly set forth the right of peoples to struggle and to seek and receive support in order to achieve self-determination. Now that the Trusteeship Council had almost completed its mandate and the period of decolonization had come to an end, the question should perhaps be reconsidered; it might now be appropriate to state that the right of peoples to self-determination should be achieved by peaceful means and without threat to international peace and security.

14. As one of the smallest States of central Europe, the Czech Republic favoured unconditional respect for international obligations arising from the

(Mr. Vanhara, Czech Republic)

basic international legal instruments, such as the Charter of the United Nations. That was why his Government could not support attempts to interpret the Charter too broadly. Creativity in that area might jeopardize legal certainty and predictability in international relations. With regard to the possible restructuring of the Security Council, its functioning during the past 48 years had proven the need to preserve the category of permanent members. The question of the Council's membership was being widely discussed and, in the opinion of some, the changes of recent years should be reflected in that membership. Care should nevertheless be taken not to undermine the constructive operational decision-making mechanism of that extremely important organ. Precipitate decisions might call the system of collective security into question.

15. Like others, his delegation considered that the current challenges to international peace and security had confirmed the need for the full use of Chapter VIII of the Charter. It therefore commended the initiative of the Russian Federation, which had submitted a revised draft document on the improvement of the cooperation between the United Nations and regional organizations (A/AC.182/L.72/Rev.1). The discussion within the Special Committee had shown that cooperation between the United Nations and regional organizations could not be a one-way street. On the contrary, for the participation of regional organizations in the collective system of international security to be of value, the Organization must respect the role, autonomy and position of each one. It should also take advantage of methods for the peaceful settlement of disputes which were frequently used in some regions, as well as of methods used within the framework of preventive diplomacy. The draft document submitted by the Russian Federation would constitute a valuable basis for further work once it had been modified to take into account the opinions expressed by various delegations. He hoped that the sponsor would strive to define what exactly was meant by "regional organizations", particularly in the light of the definition used in Chapter VIII of the Charter.

16. The scope of the draft document fell within the provisions of Articles 52, 53 and 54 of the Charter which dealt with regional arrangements or agencies, concerned with the maintenance of international peace and security in a local context. It was therefore appropriate to concentrate on methods and mechanisms which had a direct impact on international peace and security and to put aside phenomena whose influence was indirect, such as illiteracy and poverty.

17. The Czech Republic welcomed the submission of working papers A/AC.182/L.76/Rev.1 and A/AC.182/L.77 on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter. Solving the question of assistance would help to ensure the proper application of Articles 49 and 50 of the Charter. In that context, his delegation considered that the work of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia and the efforts of the Secretary-General were moves in the right direction. The Security Council should, however, pay more attention to the adverse effects on other States of the sanctions provided for under Chapter VII of the Charter. In elaborating guidelines for the application of measures provided for under Chapter VII, the Security Council should give due consideration to the realities of the region.

(Mr. Vanhara, Czech Republic)

There were many problems, including those relating to the transshipment of goods on the Danube River through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro). Several requirements instituted by the Security Council Committee established pursuant to resolution 724 (1991), regarding the transshipment of goods through the territory of the former Yugoslavia were unrealistic and seemed to be the work of international bureaucrats rather than specialists.

18. With regard to the draft United Nations rules for the conciliation of disputes between States (A/AC.182/L.75), submitted by Guatemala, it was to be hoped that the Special Committee would approve a final version at its next session. In that connection, the sponsor of the document should be able to reflect the latest developments in the field of the peaceful settlement of international disputes, including the provisions of the Convention on Conciliation and Arbitration adopted within the framework of the Conference on Security and Cooperation in Europe (CSCE). Moreover, to be applicable, the text should remain in the form of model rules. It might also contain less detail on how to institute a conciliation procedure. In addition, the existence of a dispute, as well as the express agreement of the States, should be defined as necessary conditions for the application of the conciliation rules. The States parties to the dispute should also retain the possibility of resorting to conciliation at any stage of the dispute without reference to the "diplomatic channel" as a precondition. Lastly, the possibility of the Secretary-General seeking assistance from a conciliation commission should be deleted from the final version of the document: the Secretariat of the United Nations must remain neutral vis-à-vis the parties to a dispute.

19. With regard to the agenda for the Special Committee's next session, priority should be accorded to measures concerning the maintenance of international peace and security and, in that context, to the proposal on the improvement of the cooperation between the United Nations and regional organizations. Due consideration should also be given to means for the peaceful settlement of international disputes and the final version of the conciliation rules.

20. Mrs. BOTERO (Colombia) said she believed that it was the responsibility of the Sixth Committee to provide directives and guidelines for possible changes in the Charter in order to strengthen the role of the Organization and enhance the effectiveness of its various organs.

21. In that regard, Colombia had on many occasions stressed the need to make the Security Council's decision-making process more democratic and to improve its functioning. The number of permanent and non-permanent members of the Council should be increased, in view of the larger number of Member States, the new realities of international life and, above all, the need for equitable representation of the various regional groups. As far as its method of functioning was concerned, the Council was too apt to invoke, improperly, Chapter VII of the Charter, which had been conceived as a last resort for use in situations so serious that they justified the adoption of special enforcement measures, at the expense of Chapter VI, relating to the pacific settlement of disputes. The United Nations and its Member States should have recourse more often to Article 33 of the Charter, or should at least make every effort to do

(Mrs. Botero, Colombia)

so. The concept of preventive diplomacy, so often referred to in recent days, boiled down to the effective application of the mechanisms provided for in Article 33 of the Charter, including recourse to the International Court of Justice. In that connection, and on the basis of the resolution recently adopted by the General Assembly on the Agenda for Peace (A/47/L.65), the Special Committee should examine the Secretary-General's recommendations on the subject, including those relating to requests for advisory opinions.

22. The Council should also revise the formula of daily informal consultations, from which the other members of the General Assembly were excluded, in the interests of greater transparency. Her delegation failed to understand the reluctance felt by delegations on that point, when it was well known that the more representative the Council appeared to be in carrying out its functions, the more legitimate were its decisions, and that, under Article 24 of the Charter, it acted on behalf of all the Members of the Organization. Similarly, some consideration should be given to the possibility of inviting States interested in a particular question to take part in the informal consultations on it.

23. There was a growing feeling that the Council had gradually and illegally extended its powers, thus encroaching on the fields of competence of other United Nations organs. That being the case, the Special Committee should begin to consider the idea of setting up a constitutional control body competent to decide on the legality of measures taken by United Nations organs. In point of fact, while such organs needed to have room for manoeuvre and interpretation to enable them to discharge their functions effectively - in particular the Security Council in respect of the maintenance of international peace and security - they could not enjoy absolute sovereignty, since they were the embodiment of the collective will of Member States expressed in the Charter. A constitutional control body would have the advantage of contributing to the progressive development of international law and the improvement of the United Nations system. Furthermore, an independent body, particularly at a time when the Security Council frequently took decisions on very diverse matters and resorted improperly to Chapter VII of the Charter, would make it possible to strengthen the sense of responsibility of United Nations organs in exercising the powers delegated to them by all Member States and to avoid abuses of power while at the same time legitimizing the measures taken by the Council. It should be emphasized that, far from being intended to strip the Security Council of its power, constitutional control would help to dissuade it from taking decisions on matters which the constitutional control body judged to be outside its field of competence, without going so far as to call in question specific decisions which the Council had previously adopted.

24. Turning to the organization of work of the Special Committee, she regretted that the working papers on the strengthening of the role of the Organization and the enhancement of the Security Council's effectiveness had hardly been considered at the previous session, and she expressed the hope that, at its next session, the Special Committee would give equitable and democratic consideration to all the proposals before it.

25. The working paper on the cooperation between the United Nations and the regional organizations should not take the form of a declaration. Colombia was

(Mrs. Botero, Colombia)

in favour of revitalizing Chapter VIII of the Charter, provided that there was effective coordination among the various parties involved and, at the same time, the autonomy of the regional bodies was respected. The end of the cold war undoubtedly opened the way for such cooperation and, to a certain extent, offered the possibility of relieving the Organization of responsibility for a number of questions that could be solved regionally. At the same time, the Organization could not ipso facto start decentralizing its activities, particularly those concerned with the maintenance of international peace and security. Furthermore, many of the regional bodies did not have as broad a mandate as the United Nations, nor one which was as capable of ingenious interpretation as the United Nations Charter. Furthermore, regional Powers could sometimes block the legitimate claims of small States in a particular region. On those grounds, her delegation attached the greatest importance to the sovereign right of States to appeal to the world body or to a regional body for the settlement of disputes. Lastly, she considered that Security Council authorization should be required for the implementation of enforcement measures under Chapter VII of the Charter.

26. Mr. DOPKYUNAS (Belarus) thought that the functioning of the main organs of the United Nations, as envisaged by the Charter, was effective. While his delegation actively supported proposals by Member States which stressed the need to strengthen the role of such key organs as the General Assembly and the International Court of Justice, improve the interaction between those organs and make their procedures more democratic, it did not underestimate the potential for adaptation to the new challenges of the time which had been included in the Charter, the Organization's basic document, from the outset. Although at a certain stage it might be necessary to amend the Charter, that would hardly constitute a guarantee of an improvement in the Organization's effectiveness or a reaffirmation of its role in the new historical conditions. First and foremost, it was continuity and the more effective realization of the Charter's potential that were the way to strengthen the role of the Organization.

27. It was out of a spirit of respect for the Organization's written and unwritten traditions that the Republic of Belarus had put itself forward as a candidate in the forthcoming elections to the Security Council. Respect for the principles of rotation and equitable geographical distribution - major principles of the Organization - was ensured not so much by any particular provision of the Charter but by the goodwill and spirit of responsibility of Member States.

28. The regional organizations were an important element in the system for the maintenance of international peace and security. The draft document submitted to the Special Committee by the Russian Federation on the improvement of the cooperation between the United Nations and the regional organizations, had his delegation's support. It was convinced that there should be a broad interpretation of the concept of international security and that the whole diversity and specific nature of the regional organizations should be taken into account.

29. The revised draft entitled "United Nations rules for the conciliation of disputes between States", submitted by the delegation of Guatemala, was a real contribution to the elaboration of mechanisms for the prevention and peaceful

(Mr. Dopkyunas, Belarus)

settlement of disputes between States. In particular, it could serve as an inspiration for the Minsk Group of CSCE, which was currently working on the peaceful settlement of the Nagorny-Karabakh conflict.

30. His delegation had also studied with great attention the working papers on the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions under Chapter VII. A set of procedures needed to be established for the Security Council to follow in considering requests for assistance from the States affected.

31. Mr. CHEN Jian (China) said that the various proposals before the Special Committee concerning questions such as the expansion and democratization of the Security Council and the enhancement of the efficiency of the United Nations were not only conducive to the continued development and improvement of the United Nations but would also help it to address the concerns of the international community in general and to maintain peace and security in particular. But because restructuring the General Assembly and the Security Council was a complicated issue and involved the interests of all parties, decisions about it should be arrived at by consensus. All proposals to that end should be aimed at strengthening rather than attacking the current United Nations mechanisms, which had proven effective in practice.

32. The Draft Declaration on the improvement of cooperation between the United Nations and Regional Organizations submitted by the Russian Federation (A/AC.182/L.72/Rev.1) would contribute to the discussion of that question. Under Chapter VIII of the United Nations Charter, matters appropriate for regional action could be dealt with through regional arrangements or agencies provided that such arrangements or agencies and their activities were consistent with the Purposes and Principles of the United Nations. Accordingly, regional organizations needed to strengthen their ability to settle regional conflicts so that they could better assist the United Nations in preserving international peace and security. However, organizations established by the States of a given region were often limited in their functions and usually did not have the necessary means to maintain peace and security in the region in question. Discussion of the question of cooperation between the United Nations and regional organizations should not be expanded beyond the framework of Chapter VIII of the Charter to include economic, social, cultural or human rights issues. Moreover, enhancement of such cooperation should be based on respect for the charters of the regional organizations and the wishes of their sovereign member States. Also, given the variety in the statuses of the organizations in question, a single model for cooperation should not be sought.

33. In the view of his delegation, discussion of the question of assisting third States affected by the application of sanctions under Chapter VII of the Charter could only contribute to the full application of Security Council resolutions. China was participating actively in discussions on various assistance programmes with a view to providing effective, practical solutions. It was pleased to note that the Working Group had held in-depth discussions of the report of the Secretary-General entitled "An Agenda for Peace" and that the General Assembly had adopted a resolution on that subject prior to the start of its forty-eighth session.

(Mr. Chen Jian, China)

34. The text submitted by Guatemala on United Nations rules for the conciliation of disputes between States was a considerable improvement over the previous version. In particular, the deletion of the part concerning single conciliators had made it a good basis for discussion. However, the provisions of the new draft were on the whole still much too specific. Conciliation was a very flexible procedure for settling disputes that was chosen by the parties because it allowed them to take initiative. The provisions in the new draft concerning issues such as the scope of the rules and the procedure for appointing conciliators did not really allow for the flexibility required in a conciliation process. As to the role played by the Secretary-General in the conciliation process, his delegation concurred with the comment made by the Legal Counsel of the Secretary-General at the Special Committee's 1993 session, to the effect that the Secretary-General should determine the extent to which he could provide assistance without compromising the neutrality of the Secretariat.

35. Mr. MOUBARAK (Libyan Arab Jamahiriya) expressed the fervent hope that the Special Committee would be able to find positive answers to the many questions involving the Charter and the maintenance of international peace and security that continued to hinder the work of the United Nations and prevented the Organization from implementing the principles on which it was founded. The basic problems stemmed from the veto power exercised by the permanent members of the Security Council and from the membership of the Council. In 1990 his delegation had called for the preparation of a legal study containing constructive proposals for eliminating those difficulties. It was pleased to note that its proposal for amending the Charter and revising the Council's voting methods had been favourably received by many countries and openly discussed in several international forums. His delegation, which had participated as an observer in the work of the Special Committee, had submitted a proposal aimed at enhancing the effectiveness of the Security Council, issued as document A/AC.182/1993/CRP.1 and reproduced in paragraph 93 of the Special Committee's report (A/48/33). It very much regretted that the document in question had not yet been considered, which was not in keeping with paragraph 3 (a) of General Assembly resolution 47/38.

36. That revised proposal responded to the desire of many Member States to strengthen the role of the United Nations, and specifically the Security Council, by making it more effective and keeping it from being paralysed when urgent decisions were needed. If the Security Council had failed in its mission, which was to ensure the primacy of law, it was because improper application of the principle of unanimity had prevented it from taking effective decisions and resolving many international problems that represented threats to international peace and security, such as the question of Palestine or that of South Africa. It was necessary to tackle head on the issue of changing the Council's working methods, and that was precisely what his country proposed in the document in question. The incapacity and impotence of the Council were mainly the result of a veto-based collective security system that was doomed to failure because it prevented the Council from taking action against one of its permanent members. The veto gave the permanent members of the Council a means of monopoly, which was unfair in a world in which all the Members of the United Nations were supposed to be equal, whether rich or poor, large or small. It was necessary to restrict the veto and to take steps to phase it out. The principle of unanimity should not be used to defend aggression, occupation and injustice.

(Mr. Moubarak, Libyan Arab Jamahiriya)

The permanent members of the Council should set aside their selfish interests and be guided by those of the international community, while avoiding policies based on a double standard.

37. It was also necessary to expand the membership of the Security Council to reflect the great growth in the number of Members of the General Assembly. The role of the Assembly should be strengthened in view of the powers for maintaining international peace and security conferred on it by Articles 10 and 11 of the Charter. Redefining the relationship between the Security Council and the General Assembly more equitably should restore the credibility of the Council and ensure the implementation of its resolutions. It was important for the Special Committee to give due consideration to his delegation's proposals with a view to taking the appropriate decisions.

38. Mr. DZUNDEV (The Former Yugoslav Republic of Macedonia) stressed that all obligations under the Charter had become more significant and more relevant since the end of the cold war. The implementation of Article 50 of the Charter of the United Nations was essential for many Member States and the Committee should give due consideration to the matter. His delegation fully supported working papers A/AC.182/L.77 and A/AC.182/L.76/Rev.1.

39. In that connection, he wished to repeat that his country had been seriously affected by the sanctions imposed against Iraq and Libya and had endured tremendous damage as a result of the implementation of the sanctions against Serbia and Montenegro. In 1993 alone, the gross national product of the former Yugoslav Republic of Macedonia had been cut in half as a result of the sanctions; its external trade had been reduced to critical levels; and its transportation costs had increased sharply. Sanctions imposed under the Charter of the United Nations should not endanger the economic situation and stability of third countries and yet, in the case of the former Yugoslav Republic of Macedonia, the very existence of the economy was in jeopardy. It was therefore regrettable that sufficient attention had not been paid to Article 50 of the Charter when sanctions had been imposed. One might even wonder what purpose the Article served if permanent measures were not taken urgently to assist the most affected countries. The current session of the General Assembly should seriously consider the issue and request the Security Council to act urgently and efficiently in order to assist without delay the countries most affected by the sanctions it had imposed. Otherwise, the Organization might well be discredited. If Member States were obligated to abide by the decisions of the Security Council in accordance with the Charter the Security Council should, at the same time, take all factors into account before deciding on such an important issue as the imposition of sanctions.

40. His delegation would propose a number of amendments to the working papers when they were submitted as draft resolutions requiring that: first, before the imposition of sanctions, the Security Council should be provided with precise information on the consequences for the most affected countries; second, the implementation of Article 50 should be fully and specifically covered in the Council's resolution; and, lastly, the most affected countries should as a rule take part in decisions on the imposition of sanctions.

41. Mr. DASTIS (Spain) said that the primary objective of the United Nations was the maintenance of international peace and security and that, accordingly, it should seek a peaceful settlement to any dispute that posed a threat in that regard. That was the Special Committee's aim in considering various proposals designed to strengthen the Organization and enhance the effectiveness of its activities.

42. Concerning the maintenance of international peace and security, his delegation reaffirmed its support for the thrust of the "Draft Declaration on the Improvement of Cooperation between the United Nations and Regional Organizations" (A/AC.182/L.72/Rev.1) submitted by the Russian Federation and was particularly pleased that a fair number of regional organizations contributing to the maintenance of international peace and security had taken part in the discussion of the document. He invited the United Nations and the regional organizations to pursue their fruitful dialogue. That alone would guarantee the preparation of a document acceptable to all.

43. The scope of the draft declaration still had to be precisely defined. In his delegation's view, it should be confined to the maintenance of peace and security, although that concept should be understood broadly as in the Secretary-General's "An Agenda for Peace", to include, in particular, economic, social and humanitarian concerns as part of post-conflict peace-building.

44. Referring to the other important issue considered by the Special Committee at its most recent session, namely, the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, he said that his delegation believed that although no one would dispute the legally binding nature of the measures adopted by the Security Council under Chapter VII, it should not be forgotten that such measures were even more effective if the difficulties experienced by certain countries in implementing them were taken into account; and yet the provisions of Article 50 of the Charter did not sufficiently address those difficulties. His delegation was therefore prepared to continue the consideration of the working papers (A/AC.182/L.76/Rev.1 and A/AC.182/L.77), whose very aim was to develop those provisions. It was best not to raise false hopes in that regard, for it did not seem realistic to expect immediate, wide-ranging results. In that regard, his delegation preferred case-by-case solutions. However, such an approach did not preclude formulating general rules; it merely meant that those rules should be viewed as entailing obligations with regard to conduct, not results.

45. While expressing gratitude to the Cuban and Libyan delegations for submitting the working papers entitled "Strengthening of the role of the Organization and enhancement of its efficiency" (A/AC.182/1993/CRP.2) and "Revised proposal submitted by the Socialist People's Libyan Arab Jamahiriya with a view to enhancing the effectiveness of the Security Council in regard to the maintenance of international peace and security" (A/AC.182/1993/CRP.1), respectively, it was his delegation's view that the question of reforming the structure of the Security Council should be considered in plenary meetings of the General Assembly under agenda item 33, entitled "Question of equitable representation on and increase in the membership of the Security Council". It should also be pointed out, however, that in regard to the transparency of its

(Mr. Dastis, Spain)

work, the Security Council had already taken certain measures along the lines of the suggestions put forward by the Cuban delegation.

46. Concerning the peaceful settlement of disputes, his delegation believed that the draft United Nations rules for the conciliation of disputes between States submitted by the Guatemalan delegation had been considerably improved. It was convinced that a text acceptable to all could be adopted at the next session of the Special Committee. None the less, his delegation viewed conciliation as the final stage in an eminently flexible procedure designed to assist States in opening channels of communication between them by facilitating contacts and proposing various approaches to the settlement of disputes within the framework of an overall mechanism that would encourage recourse to conciliation. In that connection, at its next session, the Special Committee should begin thinking about the establishment of such a mechanism, which could be defined in a resolution whose annex would contain the draft rules for conciliation.

47. His delegation also hoped that, at its next session, the Special Committee would devote some time to the consideration of the role of the International Court of Justice in the peaceful settlement of disputes and in the maintenance of international peace and security in general, on the basis of, inter alia, the various interesting proposals put forward by the Secretary-General in "An Agenda for Peace".

48. Concerning the Special Committee's programme of work, his delegation believed that there was no need for the Special Committee to take an immediate decision on the proposals submitted by certain delegations concerning new issues it should consider. It would be preferable for the Special Committee to wait until the basic documents covering each question in detail and proposing a sound basis for future work had been submitted to it.

49. In the end, the best thing the Special Committee could do at the current juncture to help the United Nations meet the ever-increasing demands placed on it was to complete its current programme of work as rapidly as possible, thereby contributing to the strengthening of the Organization.

The meeting rose at 4.55 p.m.